THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2108 OF 2006

ORAL ORDER:

The petitioner claims to be the owner of two buses bearing Nos.AP 24-U-4949 and AP 24-U-4546. The said vehicles were hired to the Andhra Pradesh State Road Transport Corporation to ply on its notified routes as per the agreements entered into between the parties. Accordingly, both the vehicles were operated by the Corporation till the completion of the period specified in the agreement. The petitioner states that as per the agreement, the distance agreed to be covered was 330 kms, however, it was found that the buses were actually operated for a distance of 390 kms and, therefore, the petitioner made a representation on 29.9.2004 requesting the Corporation to make payment for the extra distance operated. In pursuance thereof, by letter dated 30.11.2004, the petitioner was called upon to submit claim forms. Accordingly, claims forms were submitted on 3.12.2004. However, the respondent-Corporation failed to consider the same and the claim has not been settled. Hence, this writ petition seeking a declaration that the action of the respondent-Corporation in not releasing the hire charges of the vehicles belonging to the petitioner on the basis of the claim form submitted by the petitioner on 3.12.2004, and again on 6.9.2005, is arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondent-Corporation, it is stated that the buses were operated only for the distance agreed upon and the hire charges have already been paid to the petitioner accordingly. The petitioner disputed the said version of the respondents and filed a reply affidavit stating that the Corporation has operated the buses exceeding the distance agreed under the agreements. The same being a highly disputed question of fact, this Court cannot go into the same and record any finding thereon. Hence no mandamus as prayed for can be granted.

However, having regard to the nature of the controversy, to meet the ends of justice, I deem it appropriate to dispose of the writ petition with a direction to the Corporation to hold a joint survey in the presence of the petitioner or her

representative with regard to the actual distance operated by the Corporation under the agreements dated 23.5.2001 and, thereafter, to consider the request of the petitioner in terms of the joint survey report. It is also open to the petitioner to produce relevant material, if any, to substantiate her version with regard to the distance concerned, at the time of the joint survey. Such exercise shall be completed as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

_____

(G. ROHINI, J.)

20TH June, 2006.

Issue CC in one week.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2108 OF 2006

20th June, 2006.

Between:

S. Ramadevi. .. Petitioner.

And

A.P. State Road Transport Corporation,
represented by its Regional Manager,
Khammam, Khammam district and
another. . .. Respondents.